

REMARKS:

Applicant has carefully considered the Office Action mailed July 29, 2005.

Reconsideration of the application in view of this amendment in response thereto is respectfully requested.

Claims 1 and 9 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 inadvertently recited an insufficient antecedent basis for “handle section” and “light bulb” as described in the Office Action. Those terms have now been amended to “handle end” and “light element” to thereby provide a sufficient antecedent basis. Claim 9 recited “one or more signal devices” which apparently was unclear. That term has now been amended to “at least one signal device”, along with other related terms being amended, to remove any incongruous usages. As a result, claims 1 and 9 as amended should now overcome the rejection under 35 U.S.C. § 112, second paragraph.

Applicants traverse the withdrawal of the indicated allowability of claims 1-14 in view of the references(s) to U.S. Pat Nos.: 4,026,059 to Ochs; 4,051,616 to Mathauser; 4,118,882 to Gorsky; and 5,274,943 to Ratcliffe et al. It is well known by experienced fishermen that many times a fishing line must be cast sideways when a fisherman is positioned in adverse conditions, such as under a tree having low lying branches or positioned under a bridge, pier, dock, or other overhead structure for example. Such circumstances may prevent the fisherman’s rod from being oriented in a customary vertically upwardly angled orientation. The present invention as taught

and claimed allows the inventive fishing rod to function in any orientation including horizontal, turned on either one of its sides, angled downwardly, or any other of the possible infinite orientations and combinations thereof. In addition, the present invention as taught and claimed allows the inventive fishing rod to function in any of those orientations even though a fish flexing the fishing rod is pulling angularly downwardly from the longitudinal axis of the rod, pulling angularly upwardly from the longitudinal axis of the rod, or pulling angularly sideways from the longitudinal axis of the rod, regardless of the possible infinite orientations of the rod itself.

In other words, the signal devices of the present invention as taught and claimed are activated when the longitudinal axis of the fishing rod assumes any orientation in a vertical plane and/or any angular rotation about its longitudinal axis when a biting fish flexes the fishing rod in any direction from the longitudinal axis of the fishing rod. This improvement clearly distinguishes the present invention from the cited references, singly or in any combination thereof.

As previously submitted by applicants, features and limitations of the cited references that eliminate those references as prior art of the present invention include the following:

Ochs (U.S. Pat No.: 4,026,059):

The Ochs reference discloses a lighted fishing rod having a glass fibre rod and a lamp mounted therein so light will be projected along the length of the rod and out the tip of the rod. The Ochs device includes a coil compression spring 22 for constantly and continuously biasing

batteries 18 against a plate 48 and compression spring 47. In use, the springs 22, 47 of the Ochs device do not move relative to a pin; further, the springs of the Ochs device do not physically touch nor make electrical contact with a pin as a result of the fishing rod assuming a flexed configuration.

Mathauser (U.S. Pat No.: 4,051,616):

The Mathauser reference does not disclose (i) a light element in a signal section which is mounted on the first wall of the signal section; (ii) an electrical conductor electrically connecting a light bulb to the coil spring; or (iii) a coil spring located in a signal section which includes the coil spring being sized and located with respect to an electrically conductive pin to be in contact with the electrically conductive pin when the body unit is in a flexed configuration and to be spaced apart from the coil spring when the body unit is in an unflexed configuration.

Gorsky (U.S. Pat No.: 4,118,882):

The Gorsky device includes an activation mechanism that is activated by tension on the fishing line; further, the Gorsky device is not activated by flexing of the fishing rod. The Gorsky device does not disclose (i) an electrically conductive coil spring surrounding an electrically conductive pin; (ii) an electrical conductor electrically connecting a light bulb to a coil spring; or (iii) an electrical circuit that includes a conductive coil spring and an electrically conductive pin that are sized and positioned with respect to each other so the electrically conductive pin and coil spring touch and are in electrical contact with each other when the flexing portion of the rod is in the flexed position and the electrically conductive pin is electrically spaced apart from the coil

spring when the flexing portion of the rod is in the unflexed position.

Ratcliffe et al (U.S. Pat No.: 5,274,943):

The Ratcliffe et al reference discloses an indicating device for a fishing rod. The Ratcliffe device includes a housing 40 secured to the rod by an elastic member 34 as shown in Fig. 3. The Ratcliffe device includes an electric circuit comprising batteries 70 electrically connected to an LED 50 through conductors 56, 62 (column 5, lines 53-55). The circuit also comprises the LED being electrically connected to a mercury tilt switch 80 through conductors/leads 54, 60, 73, 71, 82, 83 (column 5, lines 21-24, 44-45, 61-68; column 6, lines 47-64). The sole purpose of the pin-like lead 84 is to serve as a first terminal 82 of the mercury tilt switch 80. The mercury tilt switch 80 includes a second terminal 84 disposed generally around the periphery of the generally hollow interior of the mercury tilt switch 80 (column 6, lines 15-17). The Ratcliffe device also includes a spring member 76, which basically serves only two purposes: (i) to bias the batteries 70 toward lead 76 to ensure positive electrical contact between the batteries 70 and lead 56 of the LED 50 (column 5, lines 55-60), and (ii) to provide a continuous and constant electrical connection between the second terminal 84 of the mercury tilt switch 80 and the batteries 70 (column 7, lines 3-10). In use, the pin-like first terminal 82 does not move relative to the spring member 76. The Radcliffe indicating device is activated by a liquid mercury bead 86 providing an electrical connection between the first terminal 82 of the mercury tilt switch 80 and the second terminal 84 of the mercury tilt switch 80 – not by the spring member 76 contacting the pin-like first terminal 82. The Radcliffe spring member 76

never contacts the pin-like first terminal 82, nor does the Radcliffe reference teach or disclose the spring member 76 in combination with the first terminal 82 as providing a switching function. The switching function of Radcliffe is provided solely by the liquid mercury bead 86, during which time the spring member 76 and pin-like first terminal neither physically contact each other nor move relative to each other. In addition, the activation switch of Radcliffe is not activated by flexing of the fishing rod; it is activated solely by the orientation of the rod (even if unflexed) when it is tilted past a certain vertical orientation (column 6, lines 30-34; column 7, lines 11-22).

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mathauser in view of Ochs in view of Ratcliffe. Features and limitations of the Mathauser, Ochs, and Ratcliffe references, that eliminate them as prior art of the present invention as claimed, are described hereinabove.

There is nothing in the Mathauser, Ochs, and/or Radcliffe et al references, singly or in combination, that teaches, suggests, or provides any incentive to modify or combine those teachings such that it would have been obvious to one skilled in the art at the time of applicant's invention to provide an activation switch, comprising a coil spring in combination with an electrically conductive pin, that is activated by the coil spring moving relative to the pin such that the coil spring actually physically touches and makes physical and electrical contact with the pin when the fishing rod is in a flexed configuration to provide a fishing rod wherein a light element thereof is activated by flexing of the electrically conductive pin and the coil spring relative to

each other whereat electrical contact is made therebetween when the fishing rod is in any orientation including vertically upward as a fish flexes the fishing rod as taught and claimed herein. Claims 1 and 2 have been amended to more clearly distinguish those claims from the Mathauser, Ochs, and Ratcliffe references. Applicants submit that claims 1 and 2 should now overcome the rejection of under 35 U.S.C. § 103(a) as being unpatentable over Mathauser in view of Ochs in view of Radcliffe et al.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gorsky in view of Ratcliffe. Features and limitations of the Gorsky and Ratcliffe references, that eliminate them as prior art of the present invention as claimed, are described hereinabove.

There is nothing in the Gorsky and/or Radcliffe et al references, singly or in combination, that teaches, suggests, or provides any incentive to modify or combine those teachings such that it would have been obvious to one skilled in the art at the time of applicant's invention to provide an activation switch, comprising a coil spring in combination with an electrically conductive pin, that is activated by the coil spring moving relative to the pin such that the coil spring actually physically touches and makes physical and electrical contact with the pin when the fishing rod is in a flexed configuration and to provide a fishing rod wherein the coil spring and the electrically conductive pin are sized and positioned with respect to each other so the pin is in electrical contact with the coil spring when the body unit is in the flexed condition and is positioned in any orientation including upright, upside down, sidewise, vertically upward, or vertically downward as a fish flexes the fishing rod, and wherein the electrically conductive pin is electrically spaced

apart from and not in electrical contact with the coil spring when the body unit is in the unflexed condition and is positioned in any orientation including upright, upside down, sidewise, vertically upward, or vertically downward as taught and claimed herein. Claim 4 has been amended to more clearly distinguish that claim from the Gorsky and Ratcliffe references. Applicants submit that claim 4 should now overcome the rejection under 35 U.S.C. § 103(a) as being unpatentable over Gorsky in view of Radcliffe et al.

Claims 5-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochs in view of Mathauser, Gorsky and Ratcliffe. Features and limitations of the Ochs, Mathauser, Gorsky, and Ratcliffe references, that eliminate them as prior art of the present invention as claimed, are described hereinabove.

There is nothing in the Ochs, Mathauser, Gorsky, and/or Radcliffe et al references, singly or in combination, that teaches, suggests, or provides any incentive to modify or combine those teachings such that it would have been obvious to one skilled in the art at the time of applicant's invention to provide a fishing rod having a signal device that is activated when a coil spring and an electrically conductive pin are in electrical contact with each other with the rod in a flexed condition and is positioned in any orientation including upright, upside down, sidewise, vertically upward, or vertically downward as a fish flexes the fishing rod, and wherein the signal device is not activated when the coil spring and the electrically conductive pin are spaced apart from and not in electrical contact with each other when the fishing rod is in an unflexed condition and is positioned in any orientation including upright, upside down, sidewise, vertically upward, or

vertically downward as taught and claimed herein. Claims 5-9 have been amended to more clearly distinguish those claims from the Ochs, Mathauser, Gorsky, and Ratcliffe references. Applicants submit that claims 5-9 should now overcome the rejection under 35 U.S.C. § 103(a) as being unpatentable over Ochs in view of Mathauser, Gorsky and Radcliffe et al.

The Examiner is invited to contact the undersigned at the below-listed telephone number if it is felt that the prosecution of this application may be expedited thereby.

Respectfully submitted,

JOSEPH H. MORGAN et al

A handwritten signature in black ink, appearing to read "Donald R. Schoonover", written in a cursive style.

Donald R. Schoonover, Reg. No. 34,924
4211 Rolling Hills Drive
Nixa, Missouri 65714-8771
Telephone (417)724-2188